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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,577	01/30/2002	Alexis Mendez	60901-P007US-10103166	1941
29053	7590	12/15/2003	EXAMINER	
DALLAS OFFICE OF FULBRIGHT & JAWORSKI L.L.P. 2200 ROSS AVENUE SUITE 2800 DALLAS, TX 75201-2784			HEALY, BRIAN	
			ART UNIT	PAPER NUMBER
			2874	

DATE MAILED: 12/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/062,577	MENDEZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brian M. Healy	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 and 37-45 is/are allowed.
- 6) ☒ Claim(s) 19, 22, 31, 32, 46 and 50 is/are rejected.
- 7) ☒ Claim(s) 20, 21, 23-30, 33-36, 49, 51 and 52 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) same.                      6) ☐ Other: Brian Healy

**102 REJECTION**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19, 22, 31, 32, and 46 is rejected under 35 U.S.C. 102(b) as being anticipated by Brownlow, U.S.P. No.5,787,213.

Brownlow '213 teaches (Figs.1-3B) a method of choosing the strain of an optical fiber Bragg Grating with the method comprising the steps of: attaching the grating 29 to the circumference of a strain device 24,25,22 and causing the circumference to controllably change (Note that plate 25 is controllably movable via a screw means (not shown) thereby using the application of force to change the circumference of the fiber and the strain device.), which clearly, fully meets Applicant's claimed limitations.

**112 REJECTION**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 50 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 50, there is no antecedent basis in claim 46 for, “ said circular beam”.

**ALLOWABLE SUBJECT MATTER**

Claims 1- 18, and 37-45 are allowed over the prior art of record.

The following is an Examiner's Statement of Reasons for Allowance: The teachings of Brownlow, U.S.P.No.5,787,213 has already been discussed (See 102 rejection), however Brownlow (or any other of the references of record) does not teach or suggest the combination of a device for uniformly changing the length of an optical fiber (including a fiber Bragg grating) along it's longitudinal axis comprising:: a support (which can be a circular support with a radius R) forming a circumference around a single point, a fiber having it's longitudinal axis attached to the support circumference so that the longitudinal axis of the fiber assumes the same geometry as the support circumference and a mechanism for changing the support circumference.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 20,21,23-30,33-36,47-49,51 and 52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The listed dependent claims include structural features not found in the prior art of record (see claims for details).

Claim 50 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all the limitations of the base claim and any intervening claim. Claim 50 includes structural features not found in the prior art of record (see claim 50 for details).

A copy of PTO-1449 is included in this office action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Bucholtz, U.S.P. No.6,471,710(Figs.1-14), Jablonski, U.S.P. No.6,374,014 (Figs.1-11), and Quigley et. al., U.S.P. No.6,361,299 (Figs.1-24).

Any inquiry concerning the merits of this communication should be directed to Examiner Brian M. Healy at telephone number (703) 308-2693. Any inquiry of a general or clerical nature

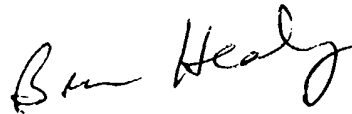
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(i.e. a request for a missing form or paper, etc.) should be directed to the Technology Center 2800 receptionist at telephone number (703) 308-0956, to the technical support staff supervisor (Team 2) at telephone number (703) 308-3072, or to the Technology Center 2800 Customer Service Office at telephone number (703) 306-3329.

**BRIAN M. HEALY**  
**Primary Patent Examiner**  
**Group Art Unit 2874**

A handwritten signature in black ink, appearing to read "Brian Healy". The signature is fluid and cursive, with the first name "Brian" and last name "Healy" clearly distinguishable.

**Brian Healy**  
**Primary Examiner**